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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 ROY L. NEFF,

11 Petitioner,

12 v.

13 WASHINGTON DEPARTMENT OF
14 CORRECTIONS,

15 Respondent.
16

Case No. C09-5098BHS

ORDER FOR SERVICE AND
RETURN, § 2254 PETITION

17 (1) The clerk shall arrange for service by certified mail upon respondent and the Attorney
18 General for the State of Washington, copies of the petition, all documents in support thereof. All costs of
19 service shall be advanced by the United States. The Clerk shall assemble the necessary documents to
20 effect service. In addition, the Clerk shall send petitioner a copy of this Order, along with a copy of the
21 Court's General Order regarding *pro se* litigation.

22 (2) Within forty-five (45) days after such service, respondent(s) shall file and serve an answer
23 in accordance with Rule 5 of the Rules Governing § 2254 Cases in United States District Courts. As part
24 of such answer, respondent(s) should state whether petitioner has exhausted available state remedies,
25 whether an evidentiary hearing is necessary, and whether there is any issue of abuse or delay under
26 Rule 9. Respondent shall not file a dispositive motion in place of an answer without first showing cause
27 as to why an answer is inadequate. Respondent(s) shall file the answer with the Clerk of the Court and
28 serve a copy of the answer upon petitioner.

(3) The answer will be treated in accordance with Local Rule CR 7. Accordingly, upon receipt of the answer the Clerk will note the matter for consideration on the fourth Friday after the answer is filed, petitioner may file and serve a response not later than on the Monday immediately preceding the Friday appointed for consideration of the matter, and respondent may file and serve a reply brief not later than on the Thursday immediately preceding the Friday designated for consideration of the matter.

DATED this 3rd day of March, 2009.

/s/ J. Kelley Arnold
J. Kelley Arnold
United States Magistrate Judge